

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**1:10 CR 47
CVB - 0903663**

UNITED STATES OF AMERICA,

Vs.

JOE L. LANNING.

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ORDER

THIS MATTER came on before the undersigned for resentencing on August 27, 2012. After resentencing, counsel for defendant orally requested that the undersigned stay the imposition of sentence to give defendant time to have his appeal in this matter considered. The undersigned finds that Rule 38(b) is instructive in this matter. Rule 38(b) states as follows:

(b) Imprisonment.

(1) Stay Granted. If the defendant is released pending appeal, the court must stay a sentence of imprisonment.

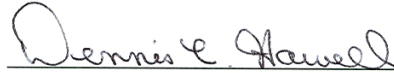
The undersigned has determined to release defendant pending appeal and will enter an order of stay in accordance with Rule 38(b)(1) of the Federal Rules of Criminal Procedure.

ORDER

IT IS, THEREFORE, ORDERED that the Judgment (#21) filed on August

28, 2012 and the sentence of imprisonment contained therein is hereby **ORDERED STAYED** pending appeal of defendant pursuant to Rule 38(b)(1) of the Federal Rules of Criminal Procedure.

Signed: September 12, 2012

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Dennis L. Howell
United States Magistrate Judge

